

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

VS.

HADI ALI YASSINE

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CRIMINAL NO. A-12-CR-105 SS

**MOTION TO OBTAIN SEALED DOCUMENTS FOR
PREPARATION OF APPEAL**

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW DefendantAppellant, Hadi Ali Yassine, by and through his counsel on appeal, and moves this Court for authorization to obtain from the United States District Clerk sealed documents for purposes of preparing Defendant/Appellant Yassine's brief on appeal, and would show this Honorable Court the following:

I.

On April 26, 2013, undersigned counsel received notification from the U.S. Court of Appeals, Fifth Circuit that the appellate record was available to obtain from the district clerk's office. Undersigned counsel's staff picked up the appellate record on the afternoon of April 26, 2013, but was informed by the district clerk's office that if any of the sealed materials needed to be reviewed, undersigned counsel would have to obtain an order directing the clerk to release them to counsel. Counsel consulted with the Fifth Circuit case manager and was advised to file a motion with this court to obtain the documents.

II.

In order to prepare Appellant's appeal, the undersigned counsel will need access the

sealed documents that are relevant to Appellant's sentencing. These documents will include the presentence investigation report, objections to the presentence investigation report and the addendum to the presentence investigation report. Appellant requests that this court order the United States District Clerks to release those documents to the undersigned counsel. After preparation of Appellant's brief Counsel will return those documents or forward them to opposing counsel as directed by the Fifth Circuit.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court authorize the U. S. District Clerk to release the presentence investigation report, objections to the presentence investigation report and the addendum to the presentence investigation report in the case to undersigned counsel for purposes of preparing the brief on appeal.

Respectfully submitted,

/s/E. G. Morris.
Attorney for Defendant/Appellant
Hadi Yassine
Law Office of E. G. Morris
Texas Bar No. 14477700
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Austin, Texas 78701
512/478-0758 (Tel)
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of May, 2013, I electronically filed Defendant/Appellant Hadi Yassine's Motion to Obtain Sealed Documents for Preparation of Appeal using the CM/ECF system which will send notification of such filing to the following:

Joseph H. Gay , Jr.
Assistant U.S. Attorney
601 N.W. Loop 410
Suite 600
San Antonio, TX 78216
(210) 384-7030
Fax: 210 384-7031

/s/E. G. Morris
E. G. Morris

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ORDER

Before the court is Defendant/Appellant Hadi Yassine's Motion to Obtain Sealed Documents for Preparation of Appeal. The Motion is hereby GRANTED.

IT IS ORDERED that the United States District Clerk for the Western District of Texas release the presentence investigation report, objections to the presentence investigation report and the addendum to the presentence investigation report in this case to Defendant/Appellant Hadi Yassine's counsel for purposes of preparing the brief on appeal. Counsel shall upon completions of Appellant's brief, return the documents or refer them to opposing counsel as directed by the Fifth Circuit.

Signed this ____ day of May, 2013.

Sam Sparks
United States District Judge